IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

RPFC.No. 37 of 2007()

AGAINST CMP NO.1515/06 IN M.C. 19/06 OF FAMILY COURT, MANJERI

PETITIONER/PETITIONER/RESPONDENT

PULLATTU KAMARUDHEEN, REPRESENTED BY POWER OF ATTORNEY HOLDER, FATHER PULLATT ABOOBACKER, S/O. AHAMMAD KUTTY HAJI, AGED 75 YEARS, PULLATTU HOUSE, KARIPARAMBA, TIRURANGADI TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.K.P.SUDHEER

RESPONDENTS: RESPONDENTS/PETITIONERS

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1. NECHIKKATTU SAFIYA, D/O. (LATE) MUHAMMED, NECHIKKATTU HOUSE, CHIRAMANGALAM, POST NEDUVA, PARAPPANANGADI, MALAPPURAM DISTRICT.

2. JASEEL JAMAL, S/O. SAFIYA, MINOR, AGED 7 YEARS, REPRESENTED BY MOTHER SAFIYA, -DO- -DO-

3. SINAM, S/O. SAFIYA, MINOR, AGED 3 YEARS, REPRESENTED BY MOTHER SAFIYA, -DO- -DO-

BY ADV. SRI.AUGUSTINE JOSEPH

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 21/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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R.P. (FC) NO. No. 37 of 2007

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Dated: 21st day of August 2007

ORDER

Heard both sides.

2. Revision Petitioner who is the husband of the first respondent and the father of respondents 2 and 3 filed C.M.P. No. 515 of 2006 in M.C. 119 of 2006 before the Family Court, Manjeri for setting aside the ex-parte order dated 3-7-2006 for maintenance passed in that M.C. The said application was allowed on condition that he deposits the entire arrears and shall continue to pay maintenance at the same rate as was decided in the M.C. The arrears were to be paid on or before 1-11-2006. Since no deposits were made the petition was dismissed on 1-11-2006. Hence this revision.

2. The learned counsel for the revision petitioner submitted that the parties have settled their disputes by entering into an agreement. The learned counsel for the respondents would, however, further submit that he has no instructions about the alleged settlement. The revision petitioner is stated to have deposited Rs. 15,000/- (Rupees fifteen thousand only) before the Court below in compliance of the interim order passed by this Court. Since the

direction issued by the Family Court to deposit the entire arrears is an onerous direction, the order dated 3-7-2006 in C.M.P. No. 1515 of 2006 in M.C. 119/06 and the consequential order passed on 1-11-2006 are set aside and the matter is remitted to the Family Court, Manjeri for disposal afresh after fixing a reasonable amount to be paid towards arrears and future maintenance. The first respondent shall be entitled to withdraw the amount of Rs. 15,000/- directed to be deposited by this Court, if not already withdrawn. In case, there is a settlement between the parties as alleged by the revision petitioner, it shall open to the revision petitioner to satisfy the Family Court with regard to this aspect.

The power-of-attorney-holder of the petitioner and the respondents in this R.F. F.C. shall appear before the Family Court without any further notice on 17-9-2007.

V. RAMKUMAR,
(JUDGE)

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